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**MAILED**

**AUG 23 2011**

**OFFICE OF PETITIONS**

In re Application :  
Allan, et al. :  
Application No. 09/696,099 : PATENT TERM ADJUSTMENT  
Filing or 371(c) Date: October 25, 2000 :  
Dkt. No.: 07703-346001 / WIN0216/J. :

This is in response to the application for patent term adjustment under 37 CFR 1.705(b), filed November 15, 2010.

The request for reconsideration of patent term adjustment is **GRANTED TO THE EXTENT INDICATED HEREIN.**

Applicant submits that the correct patent term adjustment to be indicated on the patent is 2,046 days, not 1,893 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment mailed August 16, 2010. Applicant asserts that the application is entitled to an adjustment of 1,025 days pursuant to 37 CFR 1.702(e), rather than 872 days.

Applicant's arguments have been carefully reviewed and found in part persuasive. Applicants are entitled to an adjustment pursuant to 37 CFR 1.702(e) of 1,030, rather than 872 days or 1,025 days. The adjustment commenced July 3, 2007, the date that the Notice of Appeal was filed, and ended April 27, 2010, the date that the Board decision was mailed.

In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 2,051 days (pre-allowance adjustment of 2193 days less 145 days of applicant delay).

The \$200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

Applicant may access the Adjusted PAIR Calculation via Public/Private PAIR.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of

three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

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